

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

USA,

No. C-07-04762 PJH (EDL)

Plaintiff,

ORDER TO SHOW CAUSE

v.

CHARLES CATHCART,

Defendant.

On August 13, 2009, the Court issued an order setting a settlement conference in this case requiring the parties, including Defendants Franklin Thomason and Charles Hsin, to attend in person. As set forth in that order, the Court has a specific process for requesting that a party be excused from personal attendance and permitted to be available instead by telephone, requiring an advance request in writing, and cautions that "personal attendance by a party will rarely be excused."

On August 25, 2009, this Court held a settlement conference in the above captioned case. While Mr. Edward Ord attended the settlement conference, his two clients of record Mr. Thomason and Mr. Hsin were not present. Nor did they seek permission to attend by telephone or to otherwise be excused from appearing at the conference. In contrast, pro se co-Defendant, Mr. Debevc sought permission to appear by telephone in advance of the settlement conference, which the Court granted.

There has been no showing of good cause to explain why Mr. Thomason or Hsin should not be sanctioned for their failure to attend the settlement conference. By violating the Court's Order that they attend or obtain prior excusal, the parties defeated the purpose of the settlement conference. Therefore, Defendants Thomason and Hsin are hereby ordered to show cause why they should not be sanctioned for violating the Court's Order requiring the parties' attendance at the settlement

1 conference. A show cause hearing is scheduled for **September 22, 2009** at 9:00 a.m. in Courtroom
2 E, 15th Floor, 450 Golden Gate Avenue, San Francisco, CA. Messrs. Thomason and Hsin shall file
3 declarations no later than **September 15, 2009** regarding their absence from the settlement
4 conference and their failure to timely seek to be excused. Mr. Ord shall serve a copy of this order on
5 Messrs. Thomason and Hsin.

6 **IT IS SO ORDERED.**

7
8 Dated: September 1, 2009


ELIZABETH D. LAPORTE
United States Magistrate Judge

United States District Court
For the Northern District of California